REMARKS

Claims 1-8 are pending after entry of the amendments set forth herein.

The Amendments

The specification is amended to correct references to related applications.

Claim 1 is amended to add the administration of interferon gamma at least 1 week prior to the administration of the antibody. Support for the amendment can be found in Claim 9.

Claim 6 is amended to correct the spelling of "dos" to "dose." Applicant respectfully requests the correction of "μg" to "mg" in Claim 6 in the official record. The application as filed reads "mg", however the application as published in US 2005/0058644 A1 on March 17, 2005 reads "μg".

No new matter is introduced by any of the amendments.

The Response

I. Rejection under Sec. 102(e) as anticipated by Grillo-Lopez

The Examiner has rejected Claims 1-6 under 35 U.S.C. 102(e) as allegedly being anticipated by Grillo-Lopez (U.S. Patent 6,455,043). Specifically, the Examiner contends that Grillo-Lopez teaches the treatment of Non-Hodgkin's lymphoma with chimeric or humanized monoclonal anti-CD20 antibodies and interferon gamma. To the extent that the Examiner's rejection still applies to the claims as presently amended, Applicant respectfully traverses.

Applicant has amended Claim 1 to limit the administration of interferon gamma to at least 1 week prior to the administration of the antibody. Grillo-Lopez does not teach or suggest this critical limitation. In column 3, paragraph 3, Grillo-Lopez merely discloses that "the anti-CD20 antibody and the cytokine(s) may be administered sequentially, in either order, or in combination." Nowhere does Grillo-Lopez teach or suggest that the interferon gamma must be administered at least 1 week prior to the administration of the antibody. Indeed, by instructing the reader to administer the antibody prior to the interferon gamma, Grillo-Lopez actually ***teaches away*** from the presently claimed invention. Furthermore, in column 16, paragraph 1, Grillo-Lopez discloses that "[i]nduction of CD20 expression on plasma cells occurred in a dose dependent manner, with upregulation seen with as little as 1 U/ml of interferon gamma. A

plateau occurred at 100 U/ml at 48 hours." This would suggest to the reader of ordinary skill in the art that if prior administration of interferon gamma was to be employed, a 48 hours lead time would be sufficient.

Accordingly, because Grillo-Lopez does not teach or suggest all of the presently claimed features of Claim 1 (and by extrapolation dependent Claims 2-6), Applicant respectfully submits that the Examiner's rejection of Claims 1-6 under Sec. 102(e) is improper and should be withdrawn.

II. Rejection under Sec. 102(e) or (a) as anticipated by Goldenberg

The Examiner has rejected Claims 1-7 under 35 U.S.C. 102(e) or (a) as allegedly being anticipated by Goldenberg (U.S. Patent 6,183,744). Specifically, the Examiner contends that Goldenberg teaches treatment of non-Hodgkin's lymphoma with antiCD22 or antiCD22 and antiCD20 antibody plus gamma interferon, namely, anti-CD20/interferon gamma conjugates or anti-CD22/interferon gamma conjugates. To the extent that the Examiner's rejection still applies to the claims as presently amended, Applicant respectfully traverses.

Like Grillo-Lopez, nowhere does Goldenberg teach or suggest the critical limitation of the presently claimed invention—administering interferon gamma at least 1 week prior to administering the antibody. In column 11, paragraph 1, Goldenberg merely discloses that "the supplemental therapeutic compositions can be administered before, concurrently or after administration of naked anti-CD22 antibodies." Like Grillo-Lopez, nowhere does Goldenberg teach or suggest that the supplemental therapy be administered at least 1 week prior to the administration of the antibody, and such instructions to administer the gamma interferon concurrently and after administration of the anti-CD22 antibodies can also be seen to ***teach away*** from the presently claimed invention.

Accordingly, because Goldenberg does not teach or suggest all of the presently claimed elements of Claim 1 (and by extrapolation dependent Claims 2-7), Applicant respectfully submits that the Examiner's rejection of Claims 1-7 under Sec. 102(e) is improper and should be withdrawn.

III. Rejection under Sec. 103(a) as obvious over Grillo-Lopez in view of Eichborn

The Examiner has rejected Claims 1-9 under 35 U.S.C. 103(a) as allegedly being obvious over Grillo-Lopez (U.S. Patent 6,455,043) in view of Eichborn et al (U.S. Patent 5,145,677). Specifically, the Examiner contends that Grillo-Lopez teaches the use of anti-CD20 antibody at a dosage encompassed by that recited in the claims. The Examiner further contends that Eichborn discloses use of human interferon gamma for the treatment of lymphoma at a dosage encompassed by that recited in claim 8. Finally, the Examiner contends that Grillo-Lopez teaches the antibody being administered after the therapeutic agent is given and alleges that a routineer would have determined the time between gamma interferon administration and antibody administration via routine experimentation. To the extent that the Examiner's rejection still applies to the claims as presently amended, Applicant respectfully traverses.

As explained, *supra,* Grillo-Lopez does not teach or suggest the critical feature of the presently claimed invention—administering interferon gamma at least 1 week prior to administration of the antibody. The addition of Eichborn does not correct this deficiency. As also explained, *supra,* to the extent that Grillo-Lopez distinguishes prior administration of interferon gamma as opposed to subsequent or concurrent administration, he suggests that a 48 hour lead time would be sufficient (*see,* column 16, paragraph 1). Grillo-Lopez does not provide any motivation for one of average skill in the art to experiment with administering the interferon gamma more than 48 hours prior to the antibody administration, much less 1 week prior administration as Applicant has claimed.

Accordingly, Applicant respectfully submits that the presently claimed invention is patentably non-obvious over Grillo-Lopez in view of Eichborn, and request that the Examiner's rejection of Claims 1-9 under Sec. 103(a) be withdrawn.

The Conclusion

Applicant believes that the application is now in good and proper condition for allowance. Early notification of such allowance is earnestly solicited. If the Examiner believes a teleconference would expedite prosecution of the Application, the Examiner is invited to call the undersigned at the phone number below.

Respectfully submitted,

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Dated: February 27, 2006

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